

**A SUBSTITUTE ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**06-O-1672**

**AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, ON A MONTH-TO-MONTH BASIS TO OBTAIN CONTINUED SERVICES FOR THE DEPARTMENT OF AVIATION UNDER AN EXPIRED CONTRACT WITH WAYNE CLARK AND COMPANY, FOR EXTERIOR GROUND MAINTENANCE SERVICES, AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED NINETEEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$319,500.00); ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2H01 (AIRPORT REVENUE FUND) 523001 (SERV/REPAIR/MAINT CONT.) R43001 (TERMINAL SUPPORT MAINTENANCE); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") did enter into an agreement with Wayne Clark & Company ("Wayne Clark"), FC-6122-95, for Exterior Grounds Maintenance Services; and

**WHEREAS**, the base term of the contract was One (1) year with Two (2) One (1) year renewal options at the City's sole discretion; and

**WHEREAS**, the City exercised its first renewal option and executed Renewal Agreement No. 1, and its second renewal option and executed Renewal Agreement No. 2; and

**WHEREAS**, accordingly, Wayne Clark's Contract with the City technically expired on March 30, 2003, although it has continued to provide services under such expired Contract at the City's request because such services are integral to the City maintaining security at the Airport; and

**WHEREAS**, possessed with the knowledge that the Wayne Clark Contract has, in fact, expired, the Department of Procurement has issued a new solicitation to obtain replacement services for those that are being provided under the expired Wayne Clark Contract; and

**WHEREAS**, however, the services provided by Wayne Clark under its expired Contract need to continue while such new solicitation is completed to ensure that the Airport maintains exterior ground maintenance; and

**WHEREAS**, accordingly, the City desires to ratify the prior provision of services by Wayne Clark under its expired Contract and the City's payment for such services and to authorize the City to continue its relationship with Wayne Clark and extend the Contract on a month-to-month basis, under the same terms and conditions governing the parties under the expired Contract, as if such Contract had not, in fact, expired, commencing effective as of the date such Resolution is adopted by Council and approved by the Mayor, and continuing for a period of up to nine (9) months, beginning on the first day of the month immediately following such date, so as to ensure the continued provision of the vital services provided by Wayne Clark until the City successfully awards a new contract for such services under its pending procurement; and

**WHEREAS**, Wayne Clark is willing to provide exterior grounds maintenance under such an extended contractual relationship; and

**WHEREAS**, the Airport General Manager and the Chief Procurement Officer have recommended the transaction contemplated by this Ordinance.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** The City's actions in accepting and paying for services by Wayne Clark and Company ("Wayne Clark") under its expired Contract are ratified and confirmed and the City is authorized to continue its relationship with Wayne Clark and extend the Contract on a month-to-month basis, under the same terms and conditions governing the parties under the expired Contract, as if such Contract had not, in fact, expired, commencing effective as of the date such Resolution is adopted by Council and approved by the Mayor, and continuing for a period of up to nine (9) months, beginning on the first day of the month immediately following such date, for an amount not to exceed Three Hundred Nineteen Thousand Five Hundred Dollars and No Cents (\$319,500.00), so as to ensure the continued provision of the vital services provided by Wayne Clark until the City successfully awards a new contract for such services under its pending procurement.

**SECTION 2:** All services performed will be charged to and paid from Fund, Account and Center Number 2H01 (Airport Revenue Fund) 523001 (Serv/Repair/Maint Cont.) R43001 (Terminal Support Maintenance).

**SECTION 3:** The Chief Financial Officer is authorized to remit or accept payment, as appropriate, for the goods and services identified in Section One of this ordinance.

**SECTION 4:** The Mayor is authorized, on behalf of the City, to take any other and further action and to execute, acknowledge, accept and/or deliver any other and further instruments, documents and assurances as deemed desirable and appropriate to consummate the temporary transactions authorized by this Ordinance and to effectuate the terms, purposes and intent of this Ordinance.

**SECTION 5:** All ordinances in conflict are waived for this instance only.